

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MARK D. MARSHALL,

Plaintiff,

ORDER

07-cv-715-bbc

v.

SEAN SALTER; GREG GRAMS  
and BURT TAMMINGA,

Defendants.

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In this case, plaintiff Mark Marshall is proceeding on his claims against defendants Salter, Grams and Tamminga for denying him access to out-of-cell exercise for an unspecified period of time and against defendant Salter for allowing plaintiff to be exposed to the strong smell of other prisoners' feces and urine. Plaintiff has filed a motion for summary judgment, which must be denied at the outset for his failure to comply with this court's summary judgment procedures, a copy of which was sent to plaintiff with a copy of the magistrate judge's preliminary pretrial conference order entered on February 21, 2008.

Plaintiff has complied with this court's procedures in that he has submitted a motion for summary judgment, a brief, proposed findings of fact and evidentiary materials.

Procedures I.A. However, he has not complied with Procedure I.B.2 which requires each factual statement in the proposed findings of fact to include a reference to evidence in the record that supports the fact proposed. Because plaintiff's motion for summary judgment is not in compliance with the court's procedures, it must be denied. However, this will not prejudice plaintiff. He will have a chance to submit his version of the facts and evidentiary materials in proper form in response to defendants' motion for summary judgment, if they should file one. Plaintiff is advised to read carefully the court's procedures for responding to defendants' proposed findings of fact and submit his response and evidentiary materials correctly so that they can be considered in deciding the motion.

ORDER

IT IS ORDERED that plaintiff's motion for summary judgment is DENIED for his failure to file a motion that is in conformance with this court's procedures.

Entered this 27<sup>th</sup> day of March, 2008.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge